

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**LEAGUE OF UNITED LATIN
AMERICAN CITIZENS, *et al.*,**

Plaintiffs

V.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, **et al.**,

Defendants.

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EP-21-cv-00259-DCG-JES-JVB
[Lead Case]

&

All Consolidated Cases

ORDER TO RESPOND TO DEFENDANTS' MOTION TO EXCLUDE

I. On April 30, 2025, State defendants moved to exclude LULAC expert Jason Grumbach’s “three 2025 reports and any data he relied upon.” **ECF No. 920, at 13.** Though LULAC plaintiffs had previously designated Grumbach as a testifying expert, **ECF No. 305**, on May 2, 2025, they filed four “expert reports upon which they intend to rely at trial”;¹ that list did not include the Grumbach report. **ECF No. 937.** The Court therefore **ORDERS** LULAC plaintiffs, by May 6, 2025, to notify the Court whether it intends to oppose the State defendants’ motion to exclude Dr. Grumbach’s reports and data and, if so, to respond to the motion.

II. State defendants also moved to exclude the report and testimony of Brooks expert Tye Rush.² **ECF No. 920, at 13–17.** While the Rush report was filed by Brooks plaintiffs—the only plaintiffs who are entitled to rely on it, according to the defendants, **ECF 920, at 13–14**—plaintiff Mexican American Legislative Caucus (“MALC”) also seemingly hopes to rely on it. **ECF 930.** The Court therefore **ORDERS** Brooks and MALC plaintiffs to respond, by May 6, 2025, to the State

¹ They apparently intend to rely only on the expert reports of (A) Bernard Fraga; (B) Maria Cristina Morales; (C) Rogelio Saenz; and (D) Andres Tijerina.

² The Rush report is found at **ECF No. 928-4**.

defendants' motion to exclude that report and testimony.

Nothing in this order is to be construed as an opinion on any question raised by the State defendants' motion.



JERRY E. SMITH
U.S. CIRCUIT JUDGE

And on behalf of:

David C. Guaderrama
Senior United States District Judge
Western District of Texas

-and-

Jeffrey V. Brown
United States District Judge
Southern District of Texas